

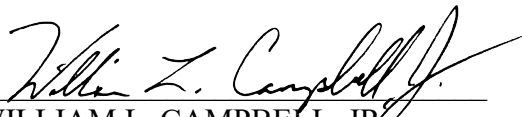


by sovereign immunity, arguing that the Eleventh Amendment is not applicable in this case because Defendant was not acting on authority of the state to withhold earned wages. (Doc. No. 15 at 5). Plaintiff failed to present this argument to the Magistrate Judge in either of his responses to Defendant's Motion to Dismiss. (See Doc. Nos. 9, 12). Plaintiff's argument raised for the first time in his objection to the Report and Recommendation is not properly before the Court and will not be addressed. See *Murr v. United States*, 200 F.3d 895, 902 n. 1 (6th Cir. 2000) ("absent compelling reasons, [the Magistrate Judge Act, 28 U.S.C. § 631 *et seq.*] does not allow parties to raise at the district court stage new arguments or issues that were not presented to the magistrate.").

Plaintiff also objects to the Magistrate Judge's finding that his claims are barred by claim preclusion. However, his objection appears to simply restate facts and arguments he previously made, (see Doc. Nos. 9, 12 at 12-13), and the Magistrate Judge already considered in the Report and Recommendation. (See Doc. No. 14 at 2, 8-11). Thus, this objection does not provide a basis to reject or modify the Report and Recommendation. See *VanDiver v. Martin*, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004) ("An 'objection' that does nothing more than state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context.").

For the reasons described above, Plaintiff's objections fail to provide a basis to reject or modify the Report and Recommendation. Thus, having reviewed the Report and Recommendation and considered Plaintiff's objections, the Court concludes that the Report and Recommendation (Doc. No. 14) should be adopted and approved. Accordingly, Defendant's Motion to Dismiss (Doc. No. 5) is **GRANTED**, and Plaintiff's Complaint is dismissed.

It is so **ORDERED**.

  
WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE